

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No. _____

4:23-CV-0878
(to be filled in by the Clerk's Office)Jury Trial: (check one) ☐ Yes ☒ NoEugene Brown

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Detective Tyson Havens

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
WILLIAMSPORT

NOV 02 2023

PER NR
DEPUTY CLERKCOMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Eugene Brown
 Address 268 Bricker Rd.
Bellefonte PA 16823
City State Zip Code
 County _____
 Telephone Number _____
 E-Mail Address _____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Tyson Havens
 Job or Title (if known) Detective
 Address Williamsport Narcotics Enforcement Unit
Williamsport PA 17701
City State Zip Code
 County Lycoming
 Telephone Number _____
 E-Mail Address (if known) N/A
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name _____
 Job or Title (if known) _____
 Address _____

City State Zip Code
 County _____
 Telephone Number _____
 E-Mail Address (if known) _____
☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. On February 3, 2023 at the magistrates office (Judge Whiteman) The officer: stopped the car and attempted to take my seat belt off. I was handcuffed in the back of the squad car. When the officer got in the car to take the seat belt off he spit in, and licked my face intentionally. The spit was assault and battery, battery mainly because the defendant deliberately and offensively touched me in a way that I did not permit. For the sake of the claim it was excessive force governed by the Fourth Amendment. I was handcuffed in the back and I could not protect myself from the assault. I was violated, and from that violation I suffer emotional distress and mental anguish, the fact that the officer did that to me while I was handcuffed made the encounter cruel and unusual punishment from the unconstitutional conditions of the confinement. I still feel shame and embarrassment to this day, and the emotional anguish does not subside because of time.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Punitive damages claim for a Settlement of
100,000.00

-
- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
-

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/23/23

Signature of Plaintiff

Printed Name of Plaintiff

Eugene Brown
Eugene Brown

B. For Attorneys

Date of signing: 10/23/23

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Eugene Brown
Eugene Brown
N/A
Pro Se

City State Zip Code

Telephone Number

E-mail Address

N/A
N/A

mart communications pa llc
Eugene Braun mm
CT Rock View
O. Box 33028
t. Petersburg FL 33733

INMATE MAIL PA 150
PA DPT OF
CORRECTIONS



RECEIVED
WILLIAMSPORT
OCT 02 2023
PER NR
DEPUTY CLERK

Clerk of Court
240 west 3rd St.
Williamsport, PA 17701

177013E43B

